

REMARKS

Claims 1 to 3 and 5 to 12 are in the application.

As a result of the foregoing Amendment, claim 1 has been amended to include the feature of claim 4 and a feature which is discussed in the first full paragraph on page 3 of the specification of the present application. Accordingly, no new matter has been added.

With respect to the first paragraph on page two of the Office Action, submitted herewith is a copy of the paper referred to in the previous response. Applicants apologize for the error.

Applicants have noted that the Examiner has indicated that claims 3, 10 and 11 are objected to as being depended upon a rejected base claim, but would be allowable if rewritten in independent form.

However, since claim 3 is already in independent form, it is submitted that claim 3 is allowable.

Reconsideration and withdrawal of the rejection of the claims 1, 2, 5 to 9 and 12 under 35 U.S.C. 102(e) as being anticipated by Neubrand et al, are respectfully requested.

Applicants respectfully submit that claim 1 of the present application is patentable over the art of record. Specifically, the references do not disclose or suggest the features added to claim 1 according to which the roof does not have a guide rod in front of the main posts, and wherein there are no additional guide posts, referred to by reference numeral 174 in Neubrand, located in front of the main posts.

Applicants submit that these features distinguish the present invention over the art of record because, in both relevant embodiments of the reference to Neubrand, the upper and lower connections of the rear window part are formed by an intermediate link with two parallel pivot axes at the forward roof part, as shown in Fig. 9, or at the vehicle body as shown in Fig. 12. This means that a force transmission for moving the front roof part over the rear window part is not possible because this intermediate link would tilt and would not transmit any clearly defined movements. Consequently, these embodiments require an

additional link 174 in order to transmit the force and to form the pivoting parallelogram for the horizontal support of the front roof part. Thus, in these embodiments of the reference, the rear window part itself is moved only with the roof by the pivoting parallelogram composed of C-columns and the link 174.

Accordingly, it is submitted that claims 1, 2, 5 through 9 and 12 are patentable over the reference to Neubrand et al.

Reconsideration and withdrawal of the rejection of claims 1, 2 and 6 under 35 U.S.C. 102(b) as being clearly anticipated by EP 1247676 are also respectfully requested.

In the newly cited reference EP 1247676, the rear window part in the middle is not suitable to act as a pivot link and to transmit their force onto the roof part located in front thereof. Also, no connection is provided of the metal rear window part at the vehicle body as well as at the roof part located in front thereof.

Accordingly, Applicants respectfully submit that it is clear from the above that claim 1 and the claims depending therefrom are

patentable over the art of record.

A Notice of Appeal is being filed concurrently herewith in order to prevent abandonment of this application.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on August 12, 2008.

By: *Friedrich Kueffner*
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Date: August 12, 2008